

REMARKS

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over the patent to Rinne et. al., in view of the Sakamoto et. al. Applicant respectfully traverses the rejection.

The present invention relates to a system and method that controls how an access terminal re-establishes a suspended connection with a radio network. One of the parameters associated with the radio network includes a timer that defines the maximum time the access terminal can suspend its communication with the radio network. When the timer expires, the radio network releases the communication resources associated with the suspended connection, and unbeknownst to the access terminal that suspended the connection, may reassign those resources to another access terminal. In these cases, the access terminal returning to the suspended connection runs the risk of erroneously responding to commands meant for the other access terminal. In the present invention, the access terminal is aware of this timer, and checks to determine if the timer has expired before attempting to resume suspended communications with the radio network. If the timer has not expired, the access terminal simply resumes communications with the radio network using the resources allocated for the suspended connection. Conversely, if the timer has expired, the access terminal requests a new connection from the radio network.

The Examiner admits that Rinne fails to teach "resuming communication with said first radio network using said previously established connection with said first radio network if the duration of suspended communication does not exceed a maximum suspension time...[and]...requesting a new connection with said first radio network if the duration of suspended communication exceeds said maximum suspension time" as required by claim 1. However, the Examiner errs in asserting that the patent to Sakamoto remedies these deficiencies.

Sakamoto discloses a communications system having a control apparatus and a plurality of paging controllers. Each paging controller is configured to page mobile stations according to a predetermined delay, which varies from paging controller to paging controller. The delay defines the time the paging controller will wait for a paging response from the mobile stations. According to Sakamoto, mobile stations send information regarding the delay based on the priority or type of message on call set-up. The Examiner appears to contend that the delay of Sakamoto and the "maximum suspension time" of claim 1 are the same. However, Sakamoto teaches nothing of the sort. In contrast, Sakamoto teaches that the delay is criterion for selecting a paging controller having a particular associated delay. More specifically, the control apparatus will select paging controllers with the shortest associated delay for more immediate-type communications (i.e., voice and/or emergency data), and paging controllers associated with a longer delay for less urgent communications (i.e., data). See *Sakamoto*, col. 9, ln. 59 – col. 10, ln. 47; Fig. 4. The delay of Sakamoto determines the length of time the paging controller will wait for a response on a yet-to-be assigned channel (i.e., after the mobile station responds to the page), while the maximum suspension time defines the maximum amount of time that the mobile station can suspend communications on an already assigned channel. Indeed, the two are fundamentally different.

The Examiner also contends that Sakamoto suspends communications with a base station for a "maximum suspension time." However, scrutiny reveals that the control apparatus simply assigns radio channels based on the transmission speed capabilities of both the mobile station and a base station. If a base station is capable of communicating with the mobile station at the requested rate (i.e., the rate is below a threshold), radio channels are assigned to the mobile station. Otherwise, the user is given a choice as to whether to communicate at a low speed, or try again later. Base station selection based on transmission rate capabilities has absolutely nothing to do with resuming or requesting communications channels based on a "maximum suspension time."

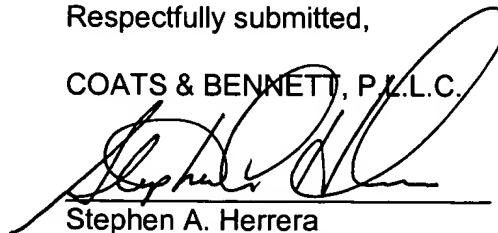
Simply put, neither reference teaches or suggests, alone or in combination, the requisite "resuming" or "requesting" elements of claim 1, and further, neither teaches or suggests, alone or in combination, a "maximum suspension time." As such, the §103 rejection necessarily fails. Accordingly, Applicant respectfully requests the allowance of claim 1, and its dependent claims 2-10.

The Examiner also rejected claims 20 and 30 under 35 U.S.C. §103(a) citing the same references and reasons as those cited above for claim 1. However, claims 20 and 30 contain language similar to the language of claim 1. Therefore, for the reasons stated above, none of the cited references teaches or suggests, alone or in combination, the claimed subject matter of either claim 20 or claim 30. Accordingly, Applicant requests the allowance of claims 20 and 30, as well as their respective dependent claims 21-29 and 31-32.

Finally, claims 11 and 33 stand rejected under 35 U.S.C. §103(a) over the same references and for the same reasons as those cited against claim 1. Claims 11 and 33, however, both contain language that requires, "transmitting a maximum suspension time to said access terminal to indicate the maximum allowed suspension time." For the reasons stated above, neither reference teaches or suggests, a "maximum suspension time," and as such, cannot teach or suggest claims 11 and 33. Therefore, the §103 rejection fails, and Applicant respectfully requests the allowance of claims 11 and 33, as well as their respective dependent claims 12-19 and 34-37.

Respectfully submitted,

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